

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Victor Peterman,

Plaintiff,

v.

Case No. 2:09-cv-197

Warden Eberlin, *et al.*,

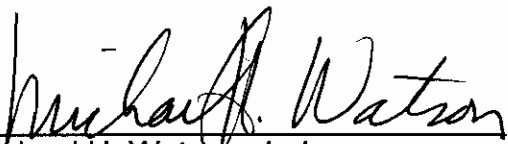
Judge Michael H. Watson
Magistrate Judge King

Defendants.

ORDER

On October 27, 2009, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the motion to dismiss, Doc. No. 28, be granted and that the action be dismissed, without prejudice, for failure to exhaust available administrative remedies prior to filing the action. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. The motion to dismiss is **GRANTED** and this action is hereby **DISMISSED**, without prejudice, for failure to exhaust available administrative remedies prior to filing the action.


Michael H. Watson, Judge
United States District Court